

## MADISON COUNTY'S POSITION ON LEATHERS LANE

The Madison County Board of Supervisors has reviewed the material provided by citizens interested in the road situation at Leathers Lane, and has received input from a number of citizens of the County.

The Board wishes to thank the residents who have submitted their comments and provided input to the County.

The critical documents the County has reviewed include Judge Daniel Bouton's opinion letter dated November 20, 2017, which articulated the responsibilities among the parties related to the road. The County makes the following comments:

1. The County is the owner of the land upon which the road is situated. The County's ownership of the land is subject to the Dedication and the Deed of Dedication of the streets and rights-of-way shown on the Deed of Dedication recorded in Deed Book 108, page 212, of the Madison County Circuit Court Clerk's Office.

2. The County shall NOT be requested to take any of the roads in Syria Mountain Estates into the highway system unless and until the lot owners and proprietors have brought the streets up to the specifications of the Virginia Department of Highways. [Emphasis supplied.]

3. The streets have never been built to the standards of the state highway system. Accordingly, neither the owners of the properties in the subdivision, nor the proprietors who develop the subdivision have the right to request that Madison County bring the roads into the state highway system.

4. The County does NOT believe that Virginia Code Section 55-50.3 applies in this matter. Section 55-50.3, by its terms, applies "whenever a public road that has never been abandoned but is NO LONGER" publicly maintain services as access for more than one property owner.

5. The County believes that the Courts would impose a strict reading on Section 55-50.3, and, therefore, the statute only applies to roads that were once publicly maintained. All of the parties in this matter recognize that Leathers Lane has never been publicly maintained.

6. The County will NOT make improvements or repairs on any roads that are not in the state highway system. Since the institution of the Byrd Act, Madison County has not provided such improvements for any roads in the County that are not State maintained, and Madison County chooses not to engage in this process for Leathers Lane.

7. As the owner of the underlying land, Madison County reserves the right to exercise its ownership interests in the road by confining the actual roadway to its present condition and location. Madison County likewise reserves the right to prohibit any repairs or modifications to the roadway. If anyone makes such improvements, without the prior written consent of the

Madison County Board of Supervisors, may be subject to criminal prosecution.

8. Madison County commends the residents in the subdivision for the current state of repair of the road. Madison County hopes that the residents in the area can work together to resolve any disputed issues.

9. Moving forward, Madison County articulates the following standards for any modifications to Leathers Lane, applicable to ALL RESIDENTS.

a. Any such modifications to Leathers Lane shall meet applicable Virginia Department of Transportation guidelines for a public road. This way, any additional development will avoid the issues present today.

b. No private citizen shall have the right to change the existing road.

c. Madison County reserves its authority as the owner of the underlying land, and is not relying on the provisions of Virginia Code Section 55-50.3, discussed above.

d. All residents of the area shall have a revocable license to undertake the routine basic maintenance along the whole road. Basic maintenance is defined as replenishing gravel, raking gravel and smoothing the road, and clearing ditches, as necessary. Madison County shall NOT be responsible for reimbursing any costs related to these actions. Madison County further requests that the neighbors develop a plan going forward to continue the maintenance of the road.

e. No resident shall erect any signs on the property owned by Madison County, and any such signs shall be removed.

10. Madison County is grateful that the residents have maintained the area between the roadway and their respective property line, and the County encourages the residents to continue to do so. The County hereby advises the neighbors in Syria Mountain Estates to police the area abutting their individual property line and extending to the road. The County discourages anyone conducting any maintenance beyond the immediate area of their property line, and the County will consider any abuse of this license to be trespassing.

11. The County would be willing to convene a meeting of the homeowners affected by the use of Leathers Lane, in an effort to restore the tranquility that has characterized this area for so long. The County is under no obligation to do so, but wanted to make this option known.